

House Bill 1600 (AS PASSED HOUSE AND SENATE)

By: Representatives Butler of the 18th, Bearden of the 68th, and Brown of the 69th

A BILL TO BE ENTITLED

AN ACT

To amend an Act relating to the board of education and school superintendent of the Carroll County School District, approved March 20, 1985 (Ga. L. 1985, p. 3945), as amended, so as to reconstitute the board of education; to change the descriptions of the education districts; to provide for definitions and inclusions; to provide for the election and terms of office of members of the board; to provide for vacancies; to provide for eligibility and qualifications; to provide for submission of this Act for approval under the federal Voting Rights Act of 1965, as amended; to provide for an effective date; to repeal conflicting laws; and for other purposes.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

An Act relating to the board of education and school superintendent of the Carroll County School District, approved March 20, 1985 (Ga. L. 1985, p. 3945), as amended, is amended by striking Section 1 and inserting in its place the following:

"SECTION 1.

(a) The Board of Education of the Carroll County School District as it existed immediately prior to July 1, 2006, is continued in existence, but, on and after July 1, 2006, shall be constituted as provided in this Act. The Board of Education of the Carroll County School District so continued and constituted, sometimes referred to in this Act as the 'board,' shall continue to have the powers, duties, rights, obligations, and liabilities of that board as it existed immediately prior to July 1, 2006.

(b)(1) Those members of the Board of Education of the Carroll County School District who are representing Education Districts 2, 3, and 5 as designated by prior law immediately prior to the effective date of this Act whose terms expire on December 31,

2006, and any person selected to fill a vacancy in any such office shall serve out the terms to which they were elected.

(2) The General Assembly finds that, based upon the decision of the court in the case of Burton-Callaway v. Carroll County Board of Elections, no election was conducted in 2004 for those members of the Board of Education of the Carroll County School District who were representing Education Districts 1, 4, and 6 as designated by prior law. The court determined that such members are holdovers whose terms of office have expired. Therefore, such members shall continue to serve until successors for such members are elected and qualified in a special election to be held at the same time as the 2006 General Primary.

(3) On and after July 1, 2006, the Board of Education of the Carroll County School District shall consist of seven members, who shall be elected from education districts described in subsection (c) of this section.

(c) For purposes of electing members of the board of education, the Carroll County School District is divided into seven education districts. One member of the board shall be elected from each such district. The seven education districts shall be and correspond to those seven numbered districts described in and attached to the Redistricting Plan Components Report made a part of this Act and further identified as Plan Name: carrollsb04 Plan Type: Local User: Gina Administrator: Carroll.

(d) When used in such attachment, the terms 'Tract' and 'BG' (Block Group) shall mean and describe the same geographical boundaries as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. The separate numeric designations in a Tract description which are underneath a 'BG' heading shall mean and describe individual Blocks within a Block Group as provided in the report of the Bureau of the Census for the United States decennial census of 2000 for the State of Georgia. Any part of the Carroll County School District which is not included in any such district described in that attachment shall be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Any part of the Carroll County School District which is described in that attachment as being in a particular district shall nevertheless not be included within such district if such part is not contiguous to such district. Such noncontiguous part shall instead be included within that district contiguous to such part which contains the least population according to the United States decennial census of 2000 for the State of Georgia. Except as otherwise provided in the description of any education district, whenever the description of such district refers to a named city, it shall mean the

1 geographical boundaries of that city as shown on the census map for the United States
2 decennial census of 2000 for the State of Georgia.

3 (e) No person shall be a member of the board if that person is ineligible for such office
4 pursuant to Code Sections 45-2-1 and 20-2-51 of the O.C.G.A. or any other general law
5 applicable to that office.

6 (f) In order to be elected as a member of the board from an education district, a person
7 must receive the number of votes cast as required by general law for that office in that
8 district only. Only electors who are residents of that education district may vote for a
9 member of the board for that district. At the time of qualifying for election as a member
10 of the board from an education district, each candidate for such office shall specify the
11 education district for which that person is a candidate. A person elected or appointed as
12 a member of the board from an education district must continue to reside in that district
13 during that person's term of office or that office shall become vacant.

14 (g)(1) On and after July 1, 2006, Bernice Brooks, the member representing Education
15 District 1 as it existed immediately prior to July 1, 2006, shall represent the new
16 Education District 1; Dorothy Burton-Callaway, the member representing Education
17 District 2 as it existed immediately prior to July 1, 2006, shall represent the new
18 Education District 2; William Kesckes, the member representing Education District 3 as
19 it existed immediately prior to July 1, 2006, shall represent the new Education District 5;
20 Bart Cater, the member representing Education District 4 as it existed immediately prior
21 to July 1, 2006, shall represent the new Education District 6; John Stephens, the member
22 representing Education District 5 as it existed immediately prior to July 1, 2006, shall
23 represent the new Education District 7; and Mary Hooper, the member representing
24 Education District 6 as it existed immediately prior to July 1, 2006, shall represent the
25 new Education District 3.

26 (2) A special election to fill the unexpired terms from newly reconstituted Education
27 Districts 1, 3, and 6 being filled by members holding over beyond the expiration of their
28 terms of office shall be held in conjunction with the general primary on the third Tuesday
29 in July, 2006. As soon as practicable after this section becomes effective, the election
30 superintendent of Carroll County shall call a special election for the purpose of electing
31 such members of the board. Such special election shall be called and conducted in
32 accordance with the provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia
33 Election Code.' Those members of the reconstituted board elected thereto from
34 Education Districts 1, 3, and 6 in such special election shall take office immediately
35 following that election and shall serve out the unexpired terms of office which shall

1 expire December 31, 2008, and upon the election and qualification of their respective
2 successors.

3 (3) A special election shall be held in conjunction with the general primary on the third
4 Tuesday in July, 2006, for the purpose of filling the position in newly created Education
5 District 4. As soon as practicable after this section becomes effective, the election
6 superintendent of Carroll County shall call a special election for the purpose of electing
7 such member. Such special election shall be called and conducted in accordance with the
8 provisions of Chapter 2 of Title 21 of the O.C.G.A., the 'Georgia Election Code.' The
9 member of the reconstituted board elected thereto from Education District 4 in such
10 special election shall take office immediately following that election and shall serve until
11 December 31, 2008, and upon the election and qualification of his or her successor.

12 (4) Successors to those members of the reconstituted board from Education Districts 2, 5,
13 and 7 whose terms of office expire December 31, 2006, shall be elected in the 2006
14 General Election and shall take office on January 1, 2007 for a term of office of four
15 years.

16 (5) All future successors to members of the board whose terms of office are to expire
17 shall be elected at the time of the state-wide general election immediately preceding the
18 expiration of such terms, shall take office the first day of January immediately following
19 that election, and shall serve for terms of office of four years. Members of the board shall
20 serve for the terms of office specified therefor in this subsection and until their respective
21 successors are elected and qualified.

22 (h) All members of the board who are elected thereto shall be elected in nonpartisan
23 elections as provided in Code Section 21-2-139 of the O.C.G.A.

24 (i) Any vacancy in office upon the board which occurs for any reason shall be filled
25 pursuant to Code Section 20-2-54.1 of the O.C.G.A."

26 SECTION 2.

27 The Board of Education of Carroll County shall through its legal counsel cause this Act to
28 be submitted for preclearance under the federal Voting Rights Act of 1965, as amended, no
29 later than 30 days after the date on which this Act is approved by the Governor or otherwise
30 becomes law without such approval.

31 SECTION 3.

32 This Act shall become effective upon its approval by the Governor or upon its becoming law
33 without such approval.

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- SECTION 4.**
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- All laws and parts of laws in conflict with this Act are repealed.